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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/936,344 09/24/97 EMBREE

P 080398.P115

WM02/0801  
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EXAMINER

HARVEY, M

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 08/01/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.  
**08/936,344**

Applicant(s)  
**EMBREE et al**

Examiner  
**Minsun Oh Harvey**

Art Unit  
**2644**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) ☒ Responsive to communication(s) filed on May 21, 2001

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4) ☒ Claim(s) 1-15 is/are pending in the applica

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-15 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirem

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

Art Unit: 2644

1. Claims 1 to 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, at lines 7 to 8, "storing subsets of said audio data in the second plurality of memory banks, the subsets corresponding to different groups of audio channels" is indefinite because it is unclear to the examiner what the subsets which correspond to different groups of audio channels means. What is different groups of audio channels. Clarification is required.

In claim 2, "selecting said memory banks for access by one of the first and second processors" is indefinite because it is unclear why the memory banks would be selected to be accessed by one of the first and second processors when each memory bank is being accessible to the first and second processor in claim 1. Clarification is required.

In claim 4, "wherein one subset of said audio data correspond to even-numbered audio channels and one other subset of the audio data corresponds to odd-numbered audio channels" is indefinite because it is unclear what one subset and one other subset is referring to. Is it referring to "subsets" in claim 1. Clarification is required.

In claim 5, at lines 8 to 9, "said second plurality of memory banks storing subsets of audio data, said subsets corresponding to different group of audio channels" is indefinite as described above.

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In claim 6, at lines 1 to 3, "comprises a plurality of selectors coupled said first and second buses to select said memory banks for access by one of said first and second processors" is indefinite because as described above.

In claim 8, "Wherein one subset of said audio data corresponds to even-numbered audio channels and one other subset of said audio data corresponds to odd-numbered audio channels" is indefinite because as described above.

In claim 12, "wherein storing comprises one of the subsets of audio data in one of the memory banks, said method further comprising reading stored audio data from a second of the memory banks" is indefinite because it is not clear what one of the memory banks and a second memory banks is referring to. Clarification is required.

In claim 13, is "a first memory bank and a second memory bank" part of a second plurality of memory banks. Clarification is required.

Claims 14 and 15 are indefinite because as described above.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 to 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen.

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Chen discloses a method of allocating real-time audio data and which is comprised of a second plurality of memory banks (12 of fig. 1); a first processor (10); a second processor 911); and each memory bank being accessible to the first and second processors (13-16).

4. It is noted that the art has been applied to extent of the examiner understand in view of 112 problems as specified above.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minsun Oh Harvey whose telephone number is (703) 308-6741.



**MINSUN OH HARVEY  
PRIMARY EXAMINER**